

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Janine Zajac	Team: Team # 1	CCRB Case #: 200917537	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 11/12/2009 3:45 PM	Location of Incident: W. 137th Street bet. 7th & 8th Avenue	Precinct: 32	18 Mo. SOL 5/12/2011	EO SOL 5/12/2011	
Date/Time CV Reported Thu, 11/12/2009 5:18 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Thu, 11/12/2009 5:17 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Steven Gansrow	02866	928345	NARCBMN

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT3 Darren Bruce	01290	929793	NARCBMN

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Steven Gansrow	Abuse: Det. Steven Gansrow stopped § 87(2)(b)	
B.DT3 Steven Gansrow	Abuse: Det. Steven Gansrow frisked § 87(2)(b)	
C.DT3 Steven Gansrow	Abuse: Det. Steven Gansrow searched § 87(2)(b)	
§ 87(4-b) § 87(2)(g)		
§ 87(4-b) § 87(2)(g)		

Case Summary

At 5:18 PM on November 12, 2009, § 87(2)(b) filed the following complaint with the CCRB via email (encl. 5a-d).

At approximately 3:45 PM on November 12, 2009, § 87(2)(b) was stopped on W. 137th Street between 7th and 8th Avenues by Det. Steven Gansrow of Manhattan North Narcotics. The following allegations resulted from their interaction.

- **Allegation A – Abuse of Authority:** Det. Steven Gansrow stopped § 87(2)(b)
 - **Allegation B – Abuse of Authority:** Det. Steven Gansrow frisked § 87(2)(b)
§ 87(2)(g)
 - **Allegation C – Abuse of Authority:** Det. Steven Gansrow searched § 87(2)(b)
§ 87(2)(g)
 - § 87(4-b) § 87(2)(g)
- § 87(2)(b)
- § 87(2)(b)
- § 87(2)(b)
- § 87(2)(b)

§ 87(2)(b) agreed to mediate her complaint. During her mediation, however, she requested an investigation. Her complaint was returned to the investigations unit on July 30, 2010, at which time it was reassigned to the undersigned investigator due to the original investigator's departure from the agency.

Results of Investigation

Civilian Statements

Complainant: § 87(2)(b)

- § 87(2)(b) -year-old black female, 5'6", with black hair and brown eye. § 87(2)(b).

§ 87(2)(b) was interviewed at the CCRB on August 17, 2010 (encl. 8a-e). § 87(2)(b) CCRB statement was consistent with her email (encl. 5a-d) and the phone statement she provided on November 18, 2009 (encl. 7a) with exceptions noted in the text below. At approximately 3:45 PM on November 12, 2010, § 87(2)(b) entered her building, located at § 87(2)(b) in Manhattan, after leaving a nearby store. § 87(2)(b)

§ 87(2)(b) She had no mail and exited her building. The security guard was not yet on duty at her building, and no one else was present in the entrance way or mailbox area. She was wearing blue jeans, a red shirt, a red hooded sweatshirt, a black trench coat, and a blue plaid winter hat. She had a navy blue canvass bag with her that was shaped like a briefcase. After exiting her building, she walked east on W. 137th Street and nearly made it to 8th Avenue when a van, whose description she could not recall at the time of her CCRB interview,

drove up quickly from behind her and stopped. There was nothing in particular happening on the block, and she had not noticed this van when she exited her building. The passenger of the van, identified as Det. Steven Gansrow of Manhattan North Narcotics, said, "Let me talk to you." In her initial email complaint, § 87(2)(b) described Det. Gansrow as a 6'1" tall white male weighing 255 lbs. § 87(2)(b) did not realize that these men were officers and did not want to talk to them, and so she kept walking. Det. Gansrow got out of the car and immediately asked her to put up her hands and asked a couple of times, "Where is it?" He did not identify himself as an officer. She put her hands up and asked, "Where is what?" He asked, "Where are the drugs?" She explained that she did not have any drugs. § 87(2)(b) immediately asked for Det. Gansrow's shield number, but he ignored her.

In her initial email complaint and in her phone statement, § 87(2)(b) said that Det. Gansrow frisked her at this point. Det. Gansrow then tried to reach into her front left jeans pocket but was unable to because her pants were tight. In her phone statement she said that Det. Gansrow reached into all of her pockets. She did not have anything in any of her pants pockets, and her coat pockets had holes in them so she did not have anything in them. Det. Gansrow stood to her left side, and she turned her head and was able to see that he was looking at her back. Det. Gansrow reached into both of her coat pockets two times. This process lasted for a few minutes. § 87(2)(b) was upset and tried to explain that she did not have any drugs and that she was 50 years old, but Det. Gansrow would not let her speak and told her not to say a word. Det. Gansrow's partner, identified through investigation as Det. Darren Bruce of Manhattan North Narcotics, got out of the driver's side of the van and stood to § 87(2)(b) right side. Det. Bruce did not say anything or make physical contact with § 87(2)(b). Det. Gansrow then attempted to take her hat off but she tried to hold it on her head. He then got the hat off and walked behind her for a couple of seconds. She told him that he could not do that, and he said he could whatever he wanted to. He then put the hat back on her head sideways. In her phone statement, § 87(2)(b) said that Det. Gansrow shuffled through the papers in her bag.

§ 87(2)(b) tried to explain to Det. Gansrow again that she did not do drugs and that she was § 87(2)(b) old. She explained in her CCRB interview that because she stutters, she sometimes spits when she talks. In response to this accidental spitting, Det. Gansrow said, "If you spit on me one more time I'm going to..." but did not finish his sentence. In her email complaint, § 87(2)(b) stated that Det. Gansrow threatened to arrest her for spitting on him. Det. Gansrow asked § 87(2)(b) where she lived, and because she was upset she mistakenly said that she lived on § 87(2)(b) instead of § 87(2)(b). Det. Gansrow asked her for her ID and she gave it to him. He took it from her and looked at it, but she did not see him write anything down. She asked Det. Gansrow for his shield number again, and he took his shield out from underneath his shirt. She did not have a pen and asked the officers for one, but they did not have one either and said she would have to find one somewhere else. She eventually obtained a pen and stood in front of the officers' van and wrote down the vehicle information. She also wrote down Det. Gansrow's shield number from memory from when he had showed it to her, which she provided in her original complaint but could not recall during her CCRB interview.

The officers drove away and § 87(2)(b) called Det. Gansrow a bitch, but it is unclear if he was close enough to hear her say this. After the officers left, § 87(2)(b) went to the 32nd Precinct stationhouse and they informed her that the officers she interacted with were narcotics officers and were not from the 32nd Precinct.

NYPD Statements:

Subject Officer: DET. STEVEN GANSROW

- § 87(2)(b) -year-old white male, 5'8", 275 lbs, with brown hair and brown eyes.

- *On the date of the incident he worked from 10:27 AM until 7:00 PM with Det. Bruce. Together they were assigned to a burgundy prisoner van.*

Memo book

Det. Gansrow did not have entries in his memo book pertaining to this incident (encl. 9a-c).

CCRB Testimony

Det. Gansrow was interviewed at the CCRB on September 1, 2010 (encl. 10a-c). On the date of the incident, he and Det. Bruce were parked in their van in a driveway on the west side of 7th Avenue between W. 137th Street and W. 138th Street. Det. Gansrow was the driver of the van. The detectives had been parked in that location for a couple of minutes, and were on patrol in the neighborhood because it is a drug prone location. Multiple corners in the area are known for high drug activity, and Det. Gansrow has been involved in drug arrests on this block in the past. He could not recall if there were prisoners in the van. He observed a man who is a known drug dealer standing on the street. § 87(2)(e)

§ 87(2)(b) This individual was wearing some sort of varsity jacket and was standing in front of a building on the opposite side of 7th Avenue. This individual's presence is what drew Det. Gansrow's attention, but he did not recall him talking with anyone else or going into the lobby of the building with anyone.

Det. Gansrow noticed a woman, who he later learned to be § 87(2)(b) walking south on the east side of 7th Avenue, which was the opposite side of the street from where Det. Gansrow was parked. She approached the individual in the varsity jacket and nodded her head once. He was unable to tell if they spoke to one another, as he was across 7th Avenue. She entered a nearby apartment building in the middle of the block on 7th Avenue. The individual in the varsity jacket immediately followed behind her. § 87(2)(b) § 87(2)(b) and the individual went to the back of the lobby, which was approximately fifteen to twenty feet from the door. Det. Gansrow and his partner remained in their car, which was parked across the street. There were two lanes of traffic on the street.

Det. Gansrow continued to watch § 87(2)(b) and the individual. He saw arm movements that were indicative of a drug transaction, meaning that they appeared to make an exchange. He was unable to see any items being exchanged; only arm movements were visible. Det. Gansrow may have said something to his partner about observing a transaction. Det. Gansrow had to look over his shoulder a little to see them, so he did not know if Det. Bruce was able to see the exchange inside the building from his angle. She was inside for less than a minute. § 87(2)(b) then exited the building and began to walk north to W. 137th Street and made a left to walk toward 7th Avenue. By the time she was crossing 7th Avenue, the individual in the varsity jacket began to exit the building. Det. Gansrow kept visual contact with § 87(2)(b) as she crossed 7th Avenue and he followed in his van, as it is protocol for buy and bust operations to follow the buyer. He put a description over the radio to his field team but there was no response. He caught up to her when she was almost at 8th Avenue, approximately a minute or two after she exited the building. He exited and approached § 87(2)(b) but could not recall if his partner got out of the van during the incident. He announced himself as an officer and asked § 87(2)(b) if he could talk to her.

§ 87(2)(b) became immediately irate and asked him repeatedly who he was and why she was being stopped. § 87(2)(b) appearance was disheveled and she seemed to be uncomfortable or possibly unstable. She escalated the situation by raising her voice and moving her arms and spitting while she spoke. He did not know if her spitting was related to a speech impediment or rage. He tried to explain to her that he was conducting a narcotics investigation. He pinched her front pants pockets for weapons because there were small bulges on them. He did not recall exactly what was in her pockets, but has seen knives and other objects in many shapes

and sizes. He squeezed her two coat pockets to make sure she did not have weapons because they looked heavy. There were no factors that led him to believe that § 87(2)(b) was armed or unarmed, but squeezed her pockets just to be sure because her attitude made him uncomfortable. He did not reach into her coat or pants pockets. She expressed her displeasure to Det. Gansrow while he squeezed her pockets by saying things like, “How dare you.”

At some point, § 87(2)(b) said something about going into the building to check her mail. Det. Gansrow asked what her address was, and she said she lived on § 87(2)(b). Det. Gansrow told her that she may or may not be trespassing but decided not to follow through with that. § 87(2)(b) was spitting as she spoke, so he asked her to stop talking. He did not recall § 87(2)(b) having a bag with her, and did not recall searching any bags. § 87(2)(b) moved her arms up and down throughout the incident, but he did not see her throw any drugs. He did not find any drugs on her. He had no response from his field team at any point, and decided that he did not want to pursue his investigation of § 87(2)(b) because it would have required too much time and energy from his team. He supplied his name and shield number to § 87(2)(b) at the end of the incident and he apologized to her. Det. Gansrow’s interaction with § 87(2)(b) lasted a couple of minutes. He obtained her information at some point and wrote it down, but her information was misplaced and he therefore did not complete a Stop, Question, and Frisk report for the incident.

Witness Officer: DET. DARREN BRUCE

- § 87(2)(b) -year-old black male, 5’9”, 198 lbs, with brown hair and brown eyes.
- On the date of the incident he worked from 1:00 PM until 9:00 PM with Det. Gansrow. Together they were assigned to a burgundy prisoner van #9561.

Memo book

Det. Bruce did not have entries in his memo book pertaining to this incident (encl. 11a-b).

CCRB Testimony

Det. Bruce was interviewed at the CCRB on August 30, 2010 (encl. 12a-b). He did not recall the incident in question even after being provided with details about the incident. He did not recognize § 87(2)(b) case file photo.

NYPD Documents

Tactical Plan

The tactical plan for the date of the incident (encl. 13a) shows that Det. Gansrow and Det. Bruce were the only officers assigned to the prisoner van.

Other Evidence

Two photographs of the incident location were obtained through Google Maps and show the distance from which Det. Gansrow observed § 87(2)(b) (encl. 4a-b). There are four lanes of traffic on either side of the median. The photo of § 87(2)(b) building (encl. 4b) shows that the single front door has approximately six steps leading up to it, and the door appears to be glass with a smaller glass window on either side of it.

Status of Civil Proceedings

- § 87(2)(b) has not filed a Notice of Claim with the City of New York as of September 10, 2010 with regard to the incident.

Civilian Criminal History

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]

Civilian CCRB History

- [§ 87(2)(b)] has filed the following CCRB complaint (encl. 3a):
 - [§ 87(2)(b)]

Subject Officer CCRB History

- Det. Gansrow has been a member of the service for nine years [§ 87(4-b) § 87(2)(g)]
[REDACTED]
(encl. 2a).

Conclusion

Identification of Subject Officer

Det. Gansrow admitted to interacting with [§ 87(2)(b)] on the date of the incident.

Allegations Not Pleaded

In her initial email complaint, [§ 87(2)(b)] said that she asked Det. Gansrow for his and his partner's name and shield number. In her CCRB statement, however, she said that she asked Det. Gansrow for his shield number and that he eventually showed his shield to her, at which point she wrote down his shield number. [§ 87(2)(g)]
[REDACTED]

Investigative Findings and Recommendations

Allegation A – Abuse of Authority: Det. Steven Gansrow stopped [§ 87(2)(b)]

Allegation B – Abuse of Authority: Det. Steven Gansrow frisked [§ 87(2)(b)]

[§ 87(2)(b)] stated that she briefly entered her building, located at [§ 87(2)(b)] and did not interact with anyone. Det. Gansrow said that [§ 87(2)(b)] nodded at a known drug dealer before entering, and that the known drug dealer followed behind her. The arm movements he observed once she was inside were what compelled him to stop her when she exited the building.

[§ 87(2)(g)]
[REDACTED]
[REDACTED]
[REDACTED]

However, in *New York Search and Seizure*, Barry Kamins writes, “If the defendant is in the company of someone who has engaged in criminal activity, that fact, in itself, will not provide a reasonable suspicion that the defendant has also committed a crime,” (Kamins, 2-73, 2.04[3], encl 1b). [§ 87(2)(g)]
[REDACTED]
[REDACTED]

Det. Gansrow stated that he then observed [§ 87(2)(b)] make arm movements inside the lobby of the building. He admitted that he did not see what, if any, objects were exchanged; only that arm movements were visible from where he sat. [§ 87(2)(g)]
[REDACTED]
[REDACTED]

[REDACTED] Furthermore, based on photographs of the location (encl. 4a-b), the investigation

determined that from where Det. Gansrow was parked on the west side of Seventh Avenue, § 87(2)(b) was eight lanes of traffic plus an additional fifteen or twenty feet away when her interaction with this known drug dealer allegedly occurred. § 87(2)(g)

According to the Street Encounters Legal Issues Memo Book Insert (encl. 1a), in order to conduct a level III stop an officer must have “a reasonable suspicion that a person is committing or is about to commit a felony or Penal Law misdemeanor.” § 87(2)(g)

Det. Gansrow made physical contact with § 87(2)(b) shortly after his initial approach by either frisking her pants pockets or attempting to reach into her pants pockets. Det. Gansrow admitted he did this because § 87(2)(b) became immediately irate once he asked if he could speak to her and because she escalated the situation by raising her voice and moving her arms. He also noted that she was spitting as she talked, but that in retrospect, this spitting may have been because of a speech impediment. § 87(2)(b) was effectively stopped when this physical contact was made, as it would have been clear that she was not free to leave.

In her initial email complaint and in her phone statement, § 87(2)(b) said that Det. Gansrow frisked her. § 87(2)(g)

The Street Encounters Legal Issues Memo Book Insert (encl. 1a) says that officers may frisk an individual for weapons when they “reasonably suspect [they are] in danger of physical injury.”

§ 87(2)(g)

Allegation C – Abuse of Authority: Det. Steven Gansrow searched § 87(2)(b)

§ 87(2)(g)

§ 87(4-b) § 87(2)(g)

§ 87(4-b) § 87(2)(g)

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Team: _____

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Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date